

REMARKS

Claims 1-13, as amended, remain herein.

New claim 13 is supported by paragraph [0023], inter alia, of the specification. Claims 1-12 are amended for clarity.

1. The specification has been amended to correct labeling of the variable resistor and spark arrester in paragraph [0019], lines 2-3.

2. The element or term "dipole" in applicant's specification was objected to as allegedly not meeting the conventional definition of a dipole, and claims 1, 2, 4 and 12 were similarly objected to for reciting "dipole". Although the Office Action recited a common definition of "dipole," another common definition, more relevant to electronics, is "an electronic component or circuit which has only two electric poles." Resistors, inductors, and capacitors are all such dipoles. It is clear from applicant's disclosure that this is the sense in which the term "dipole" is used throughout this application, including the claims. Accordingly, reconsideration and withdrawal of these objections are respectfully requested.

3. Claim 4 was objected to for reciting "fixed fourth electrode," which allegedly was not supported by the specification. Claim 4 has been amended to recite only a "fixed electrode." This is supported, for example, in Figure 4 and in paragraph [0029], lines 10-11, which describe a "fixed conducting stud presenting a face constituting a fixed electrode."

4. Claims 1-11 were rejected under 35 U.S.C. §102(b) over Menier et al. U.S. Patent 5,493,264.

Applicant invented a surge protection device that comprises an electric dipole which has an ohmic resistance varying inversely with the voltage applied to the dipole. Thus, it protects against voltage surges.

Menier does not disclose a device that protects against voltage surges; rather, Menier's device protects against current surges. See Menier, col. 2, lines 51-55 and col. 4, lines 36-40. The switch described in Menier can have only two ohmic resistances, high when the switch is open and low when the switch is closed. See Menier, Figs. 2, 7; col. 1, lines 7-16 and col. 2, lines 38-40, 58-65. Thus it cannot vary inversely with the voltage applied, and it cannot protect against voltage surges.

Thus Menier does not disclose or teach all elements of independent claim 1, and is not a proper basis for rejection of any of applicant's claims 1-11. Accordingly, reconsideration and withdrawal of this rejection, and allowance of all claims 1-11 are respectfully requested.

5. Claim 12 was rejected under 35 U.S.C. §103(a) over Menier in view of Macanda U.S. Patent 6,930,871.

As stated above, Menier does not disclose a protection device with a dipole that has an ohmic resistance varying inversely with the voltage applied to the dipole.

Macanda discloses a series of varistors connected in parallel with one another and kept in series with spark gaps. See Macanda Figs. 3-4; col. 7, lines 58-67; col. 8, lines 1-13 and col. 10, lines 35 -58. But Macanda does not disclose a protection device against voltage surges, which device comprises a variable resistor and a means to divert very high currents to earth without flowing via the dipole. It would not be obvious to one skilled in the art to combine Macanda with Menier, because they disclose different types of lightning arrestors. While Menier deals with a means to divert very high currents directly to earth without flowing via the dipole, Macanda does not. Neither Menier nor Macanda discloses anything that would have suggested applicant's claimed invention to one of ordinary skill in this art. And, neither of those references discloses anything that would have suggested combining any portions thereof effectively to teach or suggest applicant's invention to one of ordinary skill in the art.

For all the foregoing reasons, all claims 1-12 are now proper in form and patentably distinguished over all grounds of rejection stated in the Office Action. Accordingly, reconsideration and withdrawal of all grounds of rejection, and allowance of all claims 1-13 are respectfully requested.

The PTO is hereby authorized to charge/credit any underpayment or overpayment of fees to applicant's attorney's deposit account number 19-4293. Should the Examiner believe that further changes could put this application in even better condition for issue, the Examiner is invited to telephone applicant's undersigned attorney at the number below.

Respectfully submitted,

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